

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES**

**July 25, 2005**

**MEMBERS PRESENT:** Emery Zahner, Mort Heidari, Lori Spielman, Robert Hoffman and Alternates James Prichard and Arlo Hoffman

**MEMBERS ABSENT:** Geri Kupecky, Cliff Aucter, and Alternate Ronald Small

**STAFF PRESENT:** Kristin Michaud, Recording Secretary

**I. CALL TO ORDER:**

Chairman Zahner called the Planning & Zoning Commission (PZC) meeting to order at 7:02 PM at the Ellington Town Hall Annex Meeting Room, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS: NONE**

**III. PUBLIC HEARINGS:**

**THE COMMISSION WENT OUT OF AGENDA ORDER.**

4. #Z200523 – William Savvidis for a site plan modification and special permit for a patio on property located at 87 West Road, APN 028-017-0000 in a C Zone.

**TIME:** 7:05

**SEATED:** A. Hoffman, L. Spielman, M. Heidari, B. Hoffman, E. Zahner, J. Prichard

William Savvidis explained that he wants to install a patio for the restaurant.

Chairman Zahner read the Town Engineer's letter dated 6/27/05.

**MOVED (HEIDARI), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200523 – WILLIAM SAVVIDIS.**

**MOVED (SPIELMAN), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE #Z200523 – WILLIAM SAVVIDIS.**

**THE COMMISSION RETURNED TO ORIGINAL AGENDA ORDER.**

1. #Z200522 – Pioneer Builders of Ellington, Inc. for site plan approval and special permit for a 49-unit Age Restricted Cluster Housing Development on property located at 22 Maple Street, APN 073-014-0000 in an ARCH Zone.

**TIME:** 7:10

**SEATED:** A. Hoffman, L. Spielman, M. Heidari, B. Hoffman, E. Zahner, (J. Prichard – Recused)

Attorney Kerensky, Kahan, Kerensky, & Capossela, came forward for the applicant and gave an overview of the project. He reviewed the Town Engineer's letter dated 7/25/05.

Dan Delany, Fuss & O'Neill, Inc., Project Engineer reviewed the site with the commission. He reviewed the drainage plans. Mr. Delany noted the changes made to the plan based the Town Engineer's letter dated 6/27/05.

Kristen Solloway, Fuss & O'Neill, Inc., Traffic Engineer reviewed the traffic study.

Betsy Kaemmerlen, Fuss & O'Neill, Inc., Landscape Architect reviewed the architectural plans and explained the planting schedule. She stated that there will be a mixture of evergreen, flowering trees, street trees and ornamental trees.

Several members of the public expressed their concerns about drainage issues.

**MOVED (HEIDARI), SECONDED (B. HOFFMAN) AND PASSED UNANIMOUSLY TO CONTINUE #Z200522 – PIONEER BUILDERS OF ELLINGTON, INC.**

2. #Z200508 – Cumberland Farms, Inc. for site plan approval and special permit for improvements to an existing gas station and convenience store on property located at 5 Wapping Wood Road, APN 009-026-0000 in a C Zone.

**TIME:** 9:05

**SEATED:** A. Hoffman, L. Spielman, M. Heidari, B. Hoffman, E. Zahner, J. Prichard

Attorney Marvin Bellis, Murtha, Cullina, LLP, reviewed the plan with the commission.

William Goebel, Bohler Engineering, explained that there will be three driveway entrances on site and reviewed the plan with the commission.

Mark Vertucci, Fuss & O'Neill, Inc., reviewed the traffic study. He explained the changes made to the plans based on the Design Review Board's comments.

Chairman Zahner read the Town Engineer's letter dated 7/11/05.

A citizen was concerned with the noise of the intercom to the customers at the gas pumps and was told that the amount of speaking on intercoms is minimal and the new intercoms will be quieter.

**MOVED (HEIDARI), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200508 – CUMBERLAND FARMS, INC.**

**MOVED (B. HOFFMAN), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITIONS #Z200508 – CUMBERLAND FARMS, INC.**

**CONDITIONS: THE CANOPY AREA WILL NOT HAVE FLAGS AND THE ENCLOSURE FOR THE DUMPSTER HAS TO BE IN COMPLIANCE WITH THE DESIGN REVIEW BOARD'S COMMENTS.**

3. #Z200529—Development Services, LLC for site plan approval and special permit for an Age-Restricted Cluster Housing Development on properties located on Windermere Avenue, APN 017-024-0000 & 018-003-0000 in an ARCH Zone.

**TIME:** 10:05

**SEATED:** L. Spielman, M. Heidari, B. Hoffman, E. Zahner, J. Prichard (A. Hoffman – Recused)

Bob Hoffman explained that there is not enough time to hear the application. Jonathan Fisher, Development Services, LLC, agreed to have the commission open and continue the hearing to the August meeting.

**MOVED (B. HOFFMAN), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO CONTINUE THE HEARING TO THE AUGUST 22, 2005 MEETING FOR #Z200529 – DEVELOPMENT SERVICES, LLC.**

5. #S200506—Heather Hollay Farr for a 2 lot subdivision on property located at 156 Crystal Lake Road, APN 095-021-0000 in an AA Zone.

**TIME:** 10:10

**SEATED:** A. Hoffman, L. Spielman, M. Heidari, B. Hoffman, E. Zahner, J. Prichard

Jay Ussery, J. R. Russo & Associates, came forward for the applicant and reviewed the plan with the commission.

**MOVED (SPIELMAN), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200506 – HEATHER HOLLAY FARR.**

**MOVED (SPIELMAN), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE #Z200506 – HEATHER HOLLAY FARR.**

6. #S200507—Joseph MacVarish for a 2 lot resubdivision on property located at 264-266 Crystal Lake Road, APN 083-018-0000 in an AA Zone.

**TIME:** 10:15

**SEATED:** A. Hoffman, L. Spielman, M. Heidari, B. Hoffman, E. Zahner, J. Prichard

Denise Lord, Anchor Engineering, requested that the commission open and continue the hearing to the August meeting since they have not received the health department's approval.

**MOVED (HEIDARI), SECONDED (A. HOFFMAN) AND PASSED UNANIMOUSLY TO CONTINUE THE HEARING TO THE AUGUST 22, 2005 MEETING FOR #S200507 – JOSEPH MACVARISH.**

7. #Z200530—Martine Milam for a special permit for a hair salon in an existing building on property located at 117 West Road, APN 037-009-0000 in a PC Zone.

**TIME:** 10:20

**SEATED:** A. Hoffman, L. Spielman, M. Heidari, B. Hoffman, E. Zahner, J. Prichard

Martine Milam explained that she is looking to open a hair salon.

**MOVED (SPIELMAN), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #Z200530 – MARTINE MILAM.**

**MOVED (SPIELMAN), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE #Z200530 – MARTINE MILAM.**

**IV. UNFINISHED BUSINESS:**

**THE COMMISSION REVIEWED #S200502 & #Z200519 TOGETHER.**

1. #S200502 – Development Services, LLC for a 20 lot subdivision on property located at 33 Newell Hill Road, APN 127-014-0000 in an RA Zone.
2. #Z200519 – Development Services, LLC for a special permit for three rear lots included within a proposed 20 lot subdivision on 33 Newell Hill Road, APN 127-014-0000 in an RA Zone.

**TIME:** 10:25

**SEATED:** L. Spielman, E. Zahner, M. Heidari, J. Prichard, A. Hoffman

Arlo Hoffman, Lori Spielman and Bob Hoffman had concerns about the water supply and agreed that the people who live in the area should be trusted to know about the lack of water their wells dispense.

Emery Zahner stated that the applicant met the regulations.

**MOVED (A. HOFFMAN), SECONDED (PRICHARD) AND PASSED TO DENY (AYES: A. HOFFMAN, L. SPIELMAN, J. PRICHARD) (NAYS: M. HEIDARI, E. ZAHNER) #S200502 – DEVELOPMENT SERVICES, LLC.**

**REASON FOR DENIAL: INADEQUATE WATER SUPPLY.**

**MOVED (A. HOFFMAN), SECONDED (PRICHARD) AND TO DENY (AYES: A. HOFFMAN, L. SPIELMAN, J. PRICHARD) (NAYS: M. HEIDARI, E. ZAHNER) #Z200519 – DEVELOPMENT SERVICES, LLC.**

**REASON FOR DENIAL: INADEQUATE WATER SUPPLY.**

**THE COMMISSION REVIEWED #S200504 & #Z200518 TOGETHER.**

3. #S200504 - Capstone Builders for a 9-lot subdivision on property located at 14 South Road, APN 111-008-0000 in an RA Zone.
4. #Z200518 – Capstone Builders for a special permit for one rear lot included within a proposed 9-lot subdivision on property located at 14 South Road, APN 111-008-0000 in an RA Zone.

**TIME:** 10:45

**SEATED:** A. Hoffman, L. Spielman, M. Heidari, B. Hoffman, E. Zahner, J. Prichard

Chairman Zahner asked the commission if they had any questions. He read the Town Attorney's letter dated 7/19/05.

The commission discussed the application and the matter of the detention basin on and to be cared for by owners of lot 9.

**MOVED (HEIDARI), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE #S200504 – CAPSTONE BUILDERS.**

**MOVED (HEIDARI), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE #Z200518 – CAPSTONE BUILDERS.**

5. #S200503 – Angel Trace, LLC for a 20 lot subdivision on properties located on Crystal Lake Road and 94 Crystal Lake Road, APN 110-018-0000 & 109-009-0000 in an RA Zone.

**TIME:** 10:55

**SEATED:** A. Hoffman, L. Spielman, M. Heidari, B. Hoffman, E. Zahner, J. Prichard

Chairman Zahner asked if any of the commission members had any questions and there were none. He read the Town Engineer's letter dated 6/24/05.

**MOVED (SPIELMAN), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE #S200503 – ANGEL TRACE, LLC.**

Based on a later discussion of agenda item 7 regarding fees in-lieu of open space, the commission reconsidered their original motion.

**MOVED (B. HOFFMAN), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO AMEND THE PREVIOUS MOTION TO INCLUDE A CONDITION.**

**CONDITION: APPLICANT MUST SUBMIT AN UPDATED APPRAISAL.**

6. Staff request for direction regarding proposed monument signs with in single family subdivisions. (Staff memo dated 5/17/05)

Dave Bower, Toll Brothers, came forward to ask what he could do about installing monument signs at the entrance of the subdivision.

Chairman Zahner stated that there was no regulation for monument signs in the Zoning Regulations.

First Selectman Dennis Milanovich volunteered to review other towns' regulations.

**THE FIRST SELECTMAN IS GOING TO REVIEW OTHER TOWNS REGULATIONS TO CONSIDER IMPLEMENTING INTO THE TOWN OF ELLINGTON'S ZONING REGULATIONS.**

7. Discussion with Jim Gage regarding open space fee-in-lieu. (Letter to Matt Davis from James Gage dated 5/25/05)

Jim Gage expressed his concern that the appraisal for the Angel Trace subdivision was completed over 1 ½ years ago. He stated that appraisals should be current.

Mr. Gage expressed his desire to have a Planning and Zoning Commission endorsed list of appraisers that applicants would use for their fee in-lieu of open space appraisal.

**BY CONSENSUS, THE COMMISSION AGREED THAT A LETTER SHOULD BE SENT TO POTENTIAL APPRAISERS TO BE INCLUDED ON THE PLANNING & ZONING COMMISSION'S APPROVED LIST OF APPRAISERS. THE FIRST SELECTMAN WILL SEND OUT THE LETTER.**

8. Discussion: Land Use Permit Fee Modifications.

**TABLED TO THE AUGUST 22, 2005 MEETING.**

**III. NEW BUSINESS:**

1. #Z200527 – Landmark Surveys, LLC for a site plan approval for a car dealership on property located at 450 Somers Road, APN 162-001-0000 in an I Zone.

Arlo Hoffman, 7 Fairview Ave. Ext., came forward to review the application with the commission. He explained that it would be a used car dealership for antique cars only.

**MOVED (HEIDARI), SECONDED (SPIELMAN) AND PASSED (RECUSED: A. HOFFMAN) TO APPROVE #Z200527 – LANDMARK SURVEYS, LLC.**

2. #Z200526 – Town of Ellington for a site plan modification and a CGS 8-24 for improvements to the Ellington High School and Grounds.

**MOVED (SPIELMAN), SECONDED (HEIDARI) AND PASSED UNANIMOUSLY TO APPROVE #Z200526 – TOWN OF ELLINGTON.**

3. #Z200528 – Delta Building Corp. for a site plan modification for an addition to St. Luke's church and associated improvements on property located at 141 Maple Street, APN 063-024-0000 in an A Zone.

Steven Blovish, 131 Tripp Road, Chairman of Building Committee for St. Luke's Church, reviewed the application with the commission.

A representative from Delta Building Corp., also reviewed the application with the commission.

**MOVED (A. HOFFMAN), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO APPROVE WITH CONDITION #Z200528 – DELTA BUILDING CORP.**

**CONDITION: AUTHORIZE CHAIRMAN TO REVIEW WITH POSSIBILITY OF APPROVAL AFTER CONSULTING WITH TOWN ENGINEER.**

4. Request for a 90-day extension to file mylars for the Crestwood Estates IV Subdivision (#S200412 – Ellsworth Lane & Benjamin Drive).

**TABLED TO THE AUGUST 22, 2005 MEETING.**

5. Request for a 30-day extension to file mylars for the Ryefield Estates Subdivision (#S200407—Crane Road).

**TABLED TO THE AUGUST 22, 2005 MEETING.**

6. CGS 8-24 Review of Zimmerman Way and Abbott Road to allow for the Board of Selectmen to accept the roads. (#S200405--Zimmerman Subdivision)

**TABLED TO THE AUGUST 22, 2005 MEETING.**

7. CGS 8-24 Review: Donation of Land on Sadds Mill Road to the Town of Ellington from the State of Connecticut.

**TABLED TO THE AUGUST 22, 2005 MEETING.**

8. #Z200532 – Church of Jesus Christ of Latter Day Saints for site plan approval for expansion of the parking lot on property located at 2 Maple Street, APN 073-012-0000 in a PC Zone. (RECEIPT ONLY)
9. #Z200533 – Cornerstone Ellington, LLC for a modification of site plan approval to revise grading to eliminate retaining wall, modify entrance to conform to Department of Transportation comments and modify landscaping plan on property located on West Road, APN 037-005-0086 in a PC Zone. (RECEIPT ONLY)

**BY CONSENSUS, THE COMMISSION RECEIVED #Z200532 & #Z200533.**

**BY CONSENSUS, THE COMMISSION TABLED ALL REMAINING AGENDA ITEMS.**

**VI. ADMINISTRATIVE BUSINESS:**

1. Appointments to CRCOG Regional Planning Commission.
2. Memo to Planning & Zoning Commission from Matt Davis regarding appraisers.
3. Determination by PZC if they would like to have a discussion with Keith Ballasy regarding re-zoning at 298 Somers Road.
4. Determination by PZC if they would like to have a discussion with Bill Freeman regarding sidewalk at Chasseral Meadows.
5. Approval of Meeting Minutes: June 27, 2005 regular meeting minutes.
6. Correspondence:
  - a. Letter from DEP to DOT dated 6/27/05. (Drainage Maintenance Plan)
  - b. THE HABITAT, Spring 2005.

**VII. ADJOURNMENT:**

**MOVED (HEIDARI), SECONDED (SPIELMAN) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 11:30 PM.**

Respectfully Submitted,

Kristin Michaud  
Recording Secretary